

### **REMARKS**

In response to the Final Office Action dated April 4, 2009, Applicants respectfully request reconsideration. Claims 66-82 and 174-185 were previously pending in this application. By this amendment, claims 66, 67, 71, 72, 74, 75, 174, 175, 181, 184 and 185 have been amended. Claims 186-191 have been added. Claims 68-70, 73, 76, 79-81 and 176-180 have been canceled without prejudice or disclaimer. As a result, claims 66, 67, 71, 72, 74, 75, 77, 78, 82, 174, 175, 181 and 184-191 are pending for examination with claims 66, 186 and 190 being independent claims. No new matter has been added.

### **Rejections Under 35 U.S.C. §102**

The Examiner rejected claims 66-82 and 173-185 under 35 U.S.C. §102 as being anticipated by Jacobsen et al., U.S. Patent No. 6,198,394 (Jacobsen).

### **Overview of Jacobsen**

Jacobsen is directed to a system for monitoring a soldiers physiological status (Abstract). A wearable system consisting of a soldier unit, integrated sensor unit and display unit is worn by the soldier (FIGs. 1-4A; col. 6, lines 22-44). Sensor measurements are conveyed to a controller of the soldier unit (col. 6, lines 45-48). The soldier unit, which includes software, such as medical diagnosis algorithms, processes the sensor measurements to determine physiological states (col. 3, lines 57-60; col. 11, lines 41-50). When a critical alarm associated with the physiological data is reached, a warning signal is sent to a remote leader/medic unit (col. 3, line 60 – col. 4, line 2). The warning signal and other physiological data is displayed on the leader/medic unit for the leader/medic to review (col. 12, lines 40-44). The leader/medic can then take appropriate actions such as dispatch medical personnel to the soldier (col. 4, lines 2-10). To ensure an accurate diagnosis of the soldier, a command may be sent from the leader/medic unit to the soldier unit instructing the soldier unit to provide constant updates of the physiological conditions of the soldier to the leader/medic unit (col. 13, lines 17-45).

### **Independent Claim 66**

Claim 66, as amended, is directed to a method for operating a user characterization system which executes on a computer separate from a remote user wearing a thin client wearable

computer. The user characterization system includes state server modules (SSMs) to supply values for the state attributes, state client modules (SCMs) to process values for the state attributes, and an intermediary module to facilitate exchange of state attribute values. Claim 66 recites, *inter alia*:

interacting with the thin client wearable computer, ***the interacting comprising providing information about the current state of the remote user to the thin client wearable computer*** and receiving information about the current state of the remote user from the thin client wearable computer, the interacting being based at least in part on the modeled other state attribute values.

Claim 66, as amended, clearly distinguishes over Jacobsen. As discussed above, Jacobsen describes processing physiological data at the soldier unit and then sending the processed data from the soldier unit to the leader/medic unit. By contrast, claim 66 is directed to a method for operating a user characterization system which specifically recites “interacting with the thin client wearable computer, the interacting comprising ***providing information about the current state of the remote user*** to the thin client wearable computer.” Because in Jacobsen the physiological data is processed at the soldier unit there is no reason for the leader/medic unit to return the physiological data back to the soldier unit. The leader/medic unit can merely send instructions to the soldier unit requesting updates of the physiological information (col. 13, lines 17-29).

Accordingly, claim 66 patentably distinguishes over the prior art of record, such that the rejection of claim 66 under 35 U.S.C. §102 should be withdrawn.

Claims 67, 71, 72, 74, 75, 77, 78, 82, 174, 175 and 181 depend from claim 66, incorporate all of its limitations, and should be allowed for at least the same reasons. Though Applicants do not necessarily concur with the rejections, Applicants believe it is unnecessary to separately address the rejections of the dependent claims. However, the dependent claims also add limitations that further distinguish over the references, and Applicants reserve the right to argue further for the patentability of these claims.

#### New Claims 186-191

New claims 186-191 are added to further define Applicants' contribution to the art. These claims are supported in the specification, for example, on page 12, line 15 – page 14, line 23. Independent claim 186 is directed to a characterization system that communicates wirelessly

with a remote computer to provide information about a current state. Independent claim 190 is directed to a computer-readable storage medium having instructions that when executed by a computer perform a method.

Claim 186 includes a limitation directed to a transmitter for wirelessly transmitting information about the current state from the characterization system to the remote computer. Claim 190 includes a limitation directed to transmitting information about the current state of the remote user from the user characterization system to the remote computer. It should be clear from the above discussion of Jacobsen that the reference fails to satisfy at least these limitations of claims 186 and 190, respectively.

Accordingly, claim 186 and 190 patentably distinguishes over the prior art of record. Claims 187-189 depend from claim 186. Claims 184, 185 and 191 depend from claim 190. The dependent claims should be allowed based at least upon their dependency.

#### General Comments on Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicants believe that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. Applicants do not, however, necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor do Applicants concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

**CONCLUSION**

If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

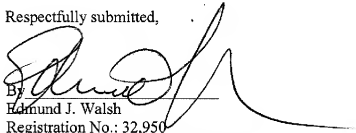
In the event the U.S. Patent and Trademark Office determines that an extension is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 23/2825 referencing docket no. M1103.70784US00.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 23/2825 under Docket No. M1103.70784US00 from which the undersigned is authorized to draw.

Dated:

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Respectfully submitted,



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